

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendants</i>	§	

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BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-576 MHS
<i>Plaintiff,</i>	§	
	§	CONSOLIDATED CASE
v.	§	
	§	
AUDIBLE MAGIC CORPORATION,	§	
FACEBOOK, INC., MYSPACE, LLC,	§	
SPECIFIC MEDIA, LLC,	§	
PHOTOBUCKET.COM, INC.,	§	
DAILYMOTION, INC.,	§	
DAILYMOTION S.A., SOUNDCLOUD,	§	
INC., SOUNDCLOUD LTD., MYXER,	§	
INC., QLIPSO, INC., QLIPSO MEDIA	§	
NETWORKS LTD., YAP.TV, INC.,	§	
GOMISO, INC., IMESH, INC.,	§	
METACAFE, INC., BOODABEE	§	
TECHNOLOGIES, INC., TUNECORE,	§	
INC., ZEDGE HOLDINGS, INC.,	§	
BRIGHTCOVE INC.,	§	
COINCIDENT.TV, INC., ACCEDO	§	
BROADBAND NORTH AMERICA,	§	
INC., ACCEDO BROADBAND AB,	§	
AND MEDIAFIRE, LLC	§	
<i>Defendants.</i>	§	

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**JOINT CLAIM CONSTRUCTION CHART PURSUANT TO P.R. 4-5(d)**

Pursuant to Local Patent Rule 4-5(d) and the Scheduling Order in this case, Counterclaim Plaintiff Audible Magic Corp. (“Audible Magic”) and Counterclaim Defendants Blue Spike Inc. and Blue Spike LLC (collectively, “Blue Spike”) hereby file their Joint Claim Construction Chart. The following chart contains the asserted claim and the disputed claim language for the Audible Magic patent-in-suit, U.S. Patent No. 6,834,308. The chart also includes the Parties’ respective proposed constructions for the disputed terms.

'308 Patent Claim with Disputed Terms in Bold	Term	Audible Magic's Construction	Blue Spike's Construction	Court's Construction
<p>A method for identifying media content presented on a client media player comprising:</p> <p>creating an analytical representation from a segment of media content of a recording presented on said <b>client media player</b>, wherein said media content is audio data for a song, said <b>segment</b> of said media content is a predetermined portion of said media content present on said media player and said analytical representation is a <b>digital fingerprint</b> of said <b>segment measuring acoustical/ perceptual features of said segment</b>; <b>comparing said analytical representation to a collection of analytical representation of reference sampled media content</b> to obtain <b>content-related data</b> from said collection of analytical</p>	"client media player"	Plain and ordinary meaning	<p>"end user's media player"</p> <p>Not the media player of a person or entity providing the service.</p>	
	"segment"	Plain and ordinary meaning	<p>"any of the parts into which something can be divided"</p> <p>A segment is less than the whole.</p>	
	"comparing said analytical representation to a collection of analytical representation of reference sampled media content"	"comparing said analytical representation to a collection of analytical representations of reference sampled media content"	<p><u>Analytical representation</u>: "a digital fingerprint of a particular segment measuring acoustical/perceptual features"</p> <p><u>Referenced Sampled Media</u>: "the collection of stored reference samples"</p>	
	"measuring acoustical/perceptual features of said segment"	Plain and ordinary meaning	"to make a measurement of acoustical/perceptual features of said segment"	
	"digital"	Plain and ordinary meaning	"a series of binary digits—1's and 0's"	
	"digital fingerprint"	Digital identifier	"coded strings of binary digits that uniquely identifies a signal"	

'308 Patent Claim with Disputed Terms in Bold	Term	Audible Magic's Construction	Blue Spike's Construction	Court's Construction
representations of <b><u>reference sampled media content</u></b> wherein said <b>content related data</b> includes at least one of a group consisting of a song title, artist performing said song, and title of an album including said song; and <b><u>presenting said content-related data on said client media player.</u></b>	“presenting said content-related data on said client media player”	Causing the content-related data to be displayed on the client media player	“the act of displaying song information on an end user’s media player”  <u>Content related data:</u> <u>“song information”</u>	

Dated: September 22, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 22, 2014, to all counsel of record who are deemed to have consented to electronic service *via* the court's CM/ECF system per local rule cv-5(a)(3).

/s/ Eric H. Findlay  
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